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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,137	03/28/2000	Daniel A. Benton	FA0881 US Na	5926

7590

03/05/2002

E I du Pont de Nemours and Company
Lagat-Patents
Wilmington, DE 19898

EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 03/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,137

Applicant(s)

BENTON ET AL.

Examiner

Cam-Linh T. Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Corrigan et al (U.S. 2001/0041966).

♦ As per claim 1, 3, 11,

- "Gathering the VIN (vehicle identification number) and manufacturer's paint code, and manufacture date" See page 2, paragraph # 0021 through page 3, page 4 paragraph # 0040, page 5 paragraph # 0048.
- "Extracting from the VIN the model year and manufacturing site information" See page 2, paragraph # 0018 – 0019.
- "Searching database" See page 4, paragraph # 0040 – page 5 paragraph # 0046.

- "Identifying the refinish colorcoat" See Fig. 1, page 3 paragraph # 0023, page 5 paragraph # 0048 – page 7 paragraph # 0065.
- ◆ As per claim 2, 4, 9-10, 12,
 - "A computer acting under a program" See page 3 paragraph # 0028, page 4 paragraph # 0037.
- ◆ As per claim 5, 7
 - "Inputting the vehicle VIN" See page 2, paragraph # 0021 through page 3.
 - "Inputting the manufacturer's paint code" See page 4 paragraph # 0040, page 5 paragraph # 0048.
 - "Inputting the vehicle's manufacture date" See page 4 paragraph # 0040, page 5 paragraph # 0048.
 - "Processing the input data" See page 2 paragraph # 0019, page 5, paragraph # 0048, 0052-0053.
 - "Executing a search for a refinish colorcoat" See page 4, paragraph # 0040 – page 5 paragraph # 0046.
 - "Displaying in human-readable" See page 3 paragraph # 0025, page 6 paragraph # 0058.
- ◆ As per claim 6, 8
 - "Preparing an actual refinish colorcoat" See page 6, paragraph # 0059.
 - "Applying the prepared refinish colorcoat" See page 6, paragraph # 0059.
- ◆ As per claim 13,

- "The model year and site of manufacture are ascertained from the VIN" See page 2 paragraph # 0018.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ◆ Borghesi et al (U.S. 5,950,169) teaches a system and method for managing insurance claim processing.

- ◆ Busch et al (U.S. 6,052,631) teaches a method and system for facilitating vehicle inspection to detect previous damage and repairs.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Cam-Linh Nguyen
Art Unit 2171